A STUDY OF DEADLY FORCE

BY PEACE OFFICERS

JANUARY, 1991

MINNESOTA
POST
Board of Peace Officer
Standards and Training

43-3060 • 1600 University Avenue, Suite 200 • St. Paul, MN 55104-3825

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CHAPTER 1

INTRODUCTION

The use of deadly force by peace officers in Minnesota became an issue of growing concern in 1989 and 1990. Several incidents of use of deadly force, both by and against peace officers, served to bring this issue to the forefront of public discussion. Although many opinions and ideas were often put forward, what seemed lacking was a comprehensive and objective overview of the scope and nature of the use of deadly force by peace officers in Minnesota. However, such a project would have required a great deal of time and expense.

In an attempt to understand some of the issues regarding peace officer use of deadly force, the Criminal Justice Division of the House of Representatives Judiciary Committee asked the Board of Peace Officer Standards and Training (POST) to conduct a study on use of deadly force by peace officers.

This paper will address issues such as: development and implementation of deadly force policies; the effect of deadly force policies in reducing the use of deadly force by peace officers; common concepts regarding deadly force use; firearms and their relation to deadly force; and training and its relation to deadly force. This report will also present an objective perspective on the current situation in the State of Minnesota regarding the use of deadly force, the present training and educational considerations in use of deadly force, as well as an overview of firearm use by peace officers in Minnesota.

Use of deadly force by peace officers is a complex and complicated area of inquiry. This report will focus on merely a small portion of the information to be considered in assessing use of deadly force issues. Due to the limited scope of this study many important issues, such as psychological effect of the deadly force decision, deadly force models and legal and liability considerations, to name just a few, are not discussed.

CHAPTER 2

PEACE OFFICERS USE OF DEADLY FORCE

Acts of violence have become almost commonplace occurrences. The issues surrounding lawlessness receive considerable attention, and society strives for solutions and remedies which will conform to contemporary standards of fairness, equity and due process. While the debate and discussion continue, citizens cling to the hope that the law will protect them from all things evil. This hope is premised upon the knowledge that those who submit to the authority of the law will enjoy its protection, while those who choose a course of action contrary to law will be held accountable. Those who do not obey and submit as required by a civilized society, subject themselves to the forced compliance of law.

Nowhere is the force of law more powerfully embodied than in the image of the peace officer. The government, through its power to make and enforce laws, has charged the peace officer with the duty of enforcing the law upon the public, keeping order and apprehending those who violate the law. In this charge, the government has conferred upon the peace officer the authority to use "reasonable force" in discharging the duties of the office.

"Reasonable force" is generally defined as only that amount of force necessary, in any given situation, to subdue and apprehend one suspected of violating the law or resisting arrest. Force is, basically, the imposition of the will or desire of one entity (in this case the state), upon another entity, regardless of the consent or lack thereof, by the subject of the action.

The use of such force is generally reserved for peace officers. In fact, the argument can be made that in the United States, peace officers are the only persons who may legitimately employ the use of non-negotiable coercive force in the performance of their duties (Bittner, 1970). In simple terms, if one is given the lawful order by a peace officer and one chooses to ignore that order, the peace officer may use physical force to enforce the order and effect an arrest.

Many legal scholars and social scientists have observed that in the United States, the police have a monopoly on the legitimate use of force in compelling persons to act or perform in a desired manner (Geller, 1983; Fyfe, 1981; Friedrich, 1980; Sherman, 1979; Bittner, 1970). The police are unique in this respect, as Arthur L. Kohler (1975) observed in "Police Homicides and Democracy":

> Police are the only representatives of governmental authority who in the ordinary

> course of events are legally permitted to use physical force against a citizen. Other agencies rely upon requests, persuasion, public opinion, custody and legal and judicial process to gain compliance with rules and law. Only the police can use firearms to compel the citizen to obey (p. 164).

In fact, Egnon Bittner (1970), a noted authority on the police in society, observed that the legal authority to use force is the core of police work. It is this legitimate ability to use force which defines the police role and distinguishes the police from all other occupations.

The authority to use force is the key element in the social psychology of the police role, according to Samuel Walker (1983), in The Police in America. Members of the public call the police when something is happening that individual members of the public cannot or will not address. The public expects the police will respond and persons or circumstances will yield to the authority of the police. Persons who come in contact with the police respond either positively or negatively to this authority. All police-citizen encounters are governed, to a great extent, by the public's recognition of the police authority to use coercive force, when and where necessary, in the enforcement of law and maintenance of order. (Walker, 1983)

However, it is important to note that it is the authority to use force, or the potential to use force, and not the actual use of force, which is important in establishing police authority. The authority of the police rests on the premise that when required to do so, the public will yield to the police in the lawful discharge of their duties. This is accomplished by installing in the police the ability to exercise force upon those who do not comply or who choose to resist the police authority. The actual imposition or use of force is reserved only for those situations which are the exception to the rule, such as when persons fail to recognize or defer to the police authority.

The authority of the police to use force is limited in several manners. As Bittner (1970) noted, the police are limited, first of all, by the law. Statutory law defines the circumstances under which police may employ or exert force in the performance of their duties. Furthermore, the United States Constitution limits the use of police force in that it must meet standards of reasonableness, due process and must not be cruel or unusual. Police use of force is also limited by the fact that the force must be used only in the line of duty and while in performance of official duties. It would be improper then, for the police to use coercive force for the purpose of personal gain or harassment.

The third limit on the police use of force, according to

Bittner (1970), is reasonableness. Force cannot be used maliciously or frivolously and must be warranted by some aggressive action on the part of the arrestee, or by such non-compliance as to render physical force the best alternative. This reasonableness standard requires the judgment of agencies and officers in exercising use of force. For example, when is it "reasonable" for a peace officer to use force to such a degree as to cause the possibility of the death? What criteria must be met before such action is warranted? What is the responsibility of the government and the peace officer in arriving at a decision to employ deadly force in a given situation?

Peace officers are generally given by law the authority to use force in the execution of their duties. Use of force incidents fall along a continuum which begins at zero, indicating no force, and proceeds along the continuum through the use of verbal persuasion as force, and then past the use of physical restraint or pain compliance holds, to the use of force in employing impact, chemical or electronic weapons, and finally stops at the end of the continuum with use of deadly force (Diagram 1 illustrates this continuum). In all instances, it is incumbent upon the officer to use only the force reasonable under the circumstances to effect the arrest or obtain the objective.

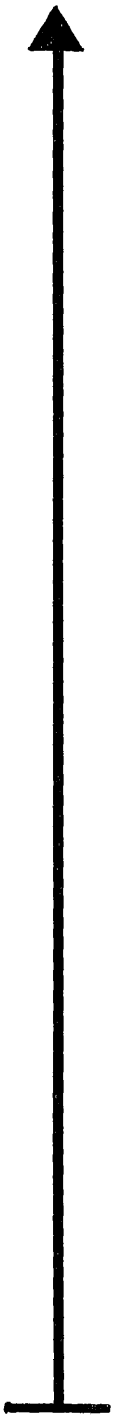
Deadly force is viewed as the most serious and profound exertion of the coercive power the police exercise on behalf of the government. Society views homicide, or the taking of another's life, as a serious matter. There are some who believe homicide is not justified under any circumstances, while others consider it justifiable under certain extreme circumstances, such as in self-defense or to defend the life of another (Matulia, 1985). However, grand juries have generally concluded that peace officers who kill another in the line of duty are justified in doing so (Milton et al., 1987).

Common law allowed peace officers to use deadly force for the purpose of defending themselves, while performing legal duties, or in the apprehension of a felon. The use of deadly force to effect the capture of a fleeing felon was based on the common law theory that all felonies were punishable by death.

However, this was changed by the 1985 U.S. Supreme Court ruling of Tennessee v Garner, 471 U.S. 1 (1985). In this case, a Memphis peace officer shot and killed a teenage boy who was fleeing the scene of a burglary. According to the testimony of the officer, the officer was not in fear for his life and had observed nothing leading him to believe that the suspected felon, who was fleeing the scene, was dangerous. Rather, the officer relied upon the Tennessee statute, based on common law, that permitted peace officers to use deadly force in apprehending a fleeing felon.

DIAGRAM 1

Use of Force Continuum



Deadly
Explosives
Automatic Weapon
Long Gun
Handgun
Sap
Flashlight
Choking

Attacking
Chemical Agents
Baton/PR-24
Kicking
Striking
Taser/Stungun

Controlling
Cuffing
Locking
Blocking
Aerosol Chemical Agents
Grabbing
Assisting
Touching
Multiple Officers

Verbal
Hostile
Aggressive
Commanding
Businesslike
Friendly

Awareness
See
Hear
Smell
No Contact

Source: "Use of Force: A Model for the Real World of Modern Policing" by Ron Kazoruski, 1987, The Florida Police Chief, August: 32.

The Court ruled that the Tennessee statute was unconstitutional in so far as it allowed the use of deadly force against unarmed, non-dangerous fleeing felons who were not believed to pose an immediate threat of death or great bodily harm to the police or the public. The court reasoned that the use of deadly force to apprehend fleeing felons must be considered a seizure subject to the Fourth Amendment's reasonableness requirement. In deciding reasonableness, the court said the rights of the suspect under the Fourth Amendment must be weighed against the government's interest in effective law enforcement. In the situation where the fleeing felon poses no threat to the public, the court ruled that the government use of deadly force to effect a seizure of the suspect is unreasonable, and therefore, unconstitutional.

The court, in Garner, effectively overturned the common law application of deadly force. Since then, most states have adopted deadly force statutes which are consistent with the provisions of Garner. However, some states, such as Minnesota, changed their statutes prior to Garner to prohibit the use of deadly force against non-dangerous fleeing felons. According to the Minn. Stat. § 609.065 (1963), a public officer was justified in taking the life of another to resist or prevent great bodily harm or death, or in effecting a lawful arrest for a felony or in preventing the escape of a felon. In 1978, the Minnesota legislature changed the statute to comport with the provisions of the Model Penal Code. This revised law provides for the use of deadly force by peace officers in protecting themselves or others, or in apprehending felons whom the peace officer reasonably believes have used or threatened to use deadly force, or in apprehending felons whom the officer believes will cause death or great bodily harm if apprehension is delayed (1978 Minn. Laws, ch. 736). Briefly, the change in statute prohibited the use of deadly force against felons who did not present an apparent immediate danger to the peace officer or the public.

The issues involving deadly force are complex, and any solution or reforms must take into consideration the delicate balance between the need for law and order, individual civil rights, protection of the public, protection of the police and government efficiency and interest versus that of the individual. It is a most complicated and delicate situation, to say the least. What government and the public strive for is the greatest amount of law, order and control with the smallest amount of government intrusion. It is a formula that is difficult to develop, given today's changing society, and one which requires careful study and consideration.

CHAPTER 3

PRINCIPLES OF DEADLY FORCE

Before beginning a discussion of the varied and complex issues surrounding deadly force, it is important to construct a clear and concise image of exactly what is meant by the term "deadly force". Black's Law Dictionary (1979) defines deadly force as, "Force likely or intended to cause death or great bodily harm; may be reasonable or unreasonable, depending on circumstances." The Model Penal Code (1962) § 3.11, provides a somewhat more lengthy, although comprehensive, approach in defining deadly force as follows:

> Force which the actor uses with the purpose of causing or which he knows will create a substantial risk of causing death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a motor vehicle in which another person is believed to be, constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the actor's purpose is limited to creating an apprehension that he will use deadly force if necessary, does not constitute deadly force (Model Penal Code § 3.11).

The Model Penal Code (1962) definition of deadly force sharpens the focus as to what exactly constitutes deadly force. It elaborates upon and provides concrete examples of actions which clearly fall within the purview of deadly force, such as firing a weapon in the general direction of another person, or firing a weapon at an automobile. It also addresses the issue of what is not deadly force. For example, the Model Penal Code (1962) allows a peace officers to point a weapon at a suspect and inform the suspect of the peace officer's intention to use the weapon, without defining this action as actual use of deadly force.

Reasonable force is not defined for the purpose of the Model Penal Code. However, Black's Law Dictionary (1979) uses the following definition of reasonable force:

> That degree of force which is not excessive and is appropriate in protecting oneself or one's property.

> When such force is used, a person is justified and is not criminally liable, nor is he liable in tort. (p. 1138).

Unfortunately, this definition seems to pertain only to one who is resisting the action of another and acting in the course of self-defense. It does not address reasonable force as it is often used by peace officers in effecting an arrest, overcoming resistance or restraining unruly suspects.

Nevertheless, Minn. Stat. § 609.065, Justifiable Taking of a Life, does define exactly when use of deadly force can be considered reasonable under state law. However, this statute pertains only to the use of deadly force by citizens, and it not applicable to peace officers acting in the line of duty. The statute reads:

> The intentional taking of the life of another is not authorized by section 609.06, except when necessary in resisting or preventing an offense which the actor reasonably believes exposes the actor or another to great bodily harm, (bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, a permanent or protracted loss or impairment of bodily functions or organ, or other serious bodily harm) or death, or preventing the commission of a felony in the actor's place of abode.

This statute appears to apply mainly to the use of deadly force in protecting the actor from another who is using deadly force against the actor in an unlawful manner.

Minn. Stat. § 609.066 specifically addresses the authorized use of deadly force by peace officers. Subdivision 1 begins by defining, for the purpose of Minnesota law, what constitutes deadly force. The statute reads:

> "Deadly Force" means force which the actor uses with the purpose of causing or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which the other person is believed to be, constitutes deadly force.

Although the definition may seem reasonably clear, when viewed within the content of police conduct which requires split second decisions, the definition of deadly force becomes complicated to apply:

1. Should an officer refrain from striking suspects with impact weapons in vital zones, unless deadly force is warranted?

2. Should officers who find impact weapons ineffective against suspects (while striking suspects in non-vital zones) attempt to strike a vital zone, as a lower form of deadly force?

3. Should an officer abandon the impact weapon and use a firearm, since use of a firearm and striking with impact weapons in vital zones both may constitute deadly force?

4. If deadly force is warranted is a firearm the most effective and reliable way of applying it?

5. When is the officer or another at risk of death or great bodily harm?

Certainly, a five year old child wielding a tire iron presents an all-together different level of danger than a 200 pound, six-foot-tall 21 year old male engaged in the same conduct. Therefore, in application, the simple definition of deadly force contained within Minn. Stat. § 609.066, subd. 1, has numerous, complex and difficult implications in the world of the peace officer.

Despite this somewhat ambiguous notion of conduct proscribed and conduct authorized by the statutory definition of deadly force, Minn. Stat § 609.066, subd. 2, proceeds to describe the circumstances under which deadly force is justified. It outlines three specific conditions under which peace officers may use deadly force. The first condition in which a peace officer is entitled to use deadly force is to protect the peace officer or another from apparent death or great bodily harm. Once again, the peace officer is in a position of making a split second decision as to whether or not the suspect's conduct puts the officer in jeopardy of life, or whether the conduct falls within the vague definition of great bodily harm. As mentioned previously, situations can vary greatly with regard to levels of danger. Nevertheless, this section of the statute basically allows an officer to use deadly force to protect the officer or an other person from one who attempts to use deadly force.

The second condition where an officer may use deadly force is to, "effect the arrest or capture or prevent the escape of a person whom the peace officer knows or has reasonable grounds to believe

has committed or attempted to commit a felony involving the use or threatened use of deadly force". Minn. Stat. § 609.066, subd. 2(2). This provision allows an officer to use deadly force as a means of capturing or seizing a felon, given that the officer possesses adequate knowledge to form reasonable grounds to believe a felony has been committed or attempted, and in this commission or attempt, the actor used or threatened to use deadly force.

The vagueness of this section may make its application to any real life situation difficult. In order to exercise deadly force under this provision, the officer would be expected to possess immediate knowledge of the elements of the offense, so as to reasonably establish that a felony had occurred. Additionally, the officer would have to apply the definition of deadly force to the suspected felon's actions and make a reasonable determination as to whether or nor that conduct constituted deadly force. Lastly, the officer would need to identify the suspect as the actual person who both committed the felony and who used or threatened deadly force, before the officer could employ deadly force as a means of apprehension.

This part of the law leads to a complex series of questions. How is a felony or attempt to commit a felony reasonably established absent a trial? What constitutes reasonable grounds? What constitutes fleeing from the scene of a felony? Who is a participant in a felony? And finally, what constitutes threatened use of deadly force? Would it be pointing a gun at a person? Would it be the suspect telling a person he had a gun, but never displaying it? Would it be a threat by a bank robber to detonate an unseen bomb?

The third condition allowing peace officers to use deadly force under Minn. Stat. § 609.066, subd. 2, states that the use of deadly force by a peace officer is justified:

> To effect the arrest or capture, or prevent the escape of a person when the officer knows or has reasonable grounds to believe the person has committed or attempted to commit a felony if the officer reasonably believes that a person will cause death or great bodily harm if the person's apprehension is delayed.

This section contains all of the ambiguities inherent in the previously mentioned section, and more. For example, what would constitute a reasonable belief that a person will cause death if apprehension is delayed? Would this be the fact that the felon mentioned something about not being taken alive, or perhaps the fact that the felon was once convicted of a particularly serious

assault?

Both the second and third conditions for use of deadly force by peace officers would require extremely complex situational analysis to be conducted prior to establishing the legal authority to employ deadly force. It must be recognized that the split second life or death decision-making process used by the peace officer does not lend itself well to such analysis. In fact, engaging in such analysis would surely put the officer and the public in a dangerous situation when confronted by the criminal element. This sentiment was echoed by the U.S. Supreme Court in the Garner decision, where the Court applied the language of Terry v. Ohio, 392 U.S. 1 (1968), decision in reasoning that: "Police use of deadly force to apprehend a felon falls within the rubric of police conduct..... necessarily involving swift action predicated upon on-the-spot observations of the officer on scene".

In summary, although statutes in most states were changed to reflect the new Garner standard for applying deadly force, their vagueness and ambiguity can be problematic for practitioners who must assess situations with split second accuracy and attempt to apply the appropriate remidy. This situation is further complicated by the fact that peace officers often must deliberate such issues under adverse and dangerous conditions. The sharpening and focusing of vague statutory language, by use of policy and training, may offer some guidance to peace officers, while allowing for the exercise of discretion and judgment in reaching the ultimate decision.

CHAPTER 4

DEADLY FORCE: POLICY

It seems that the vagueness and overall generality of statutory deadly force laws could pose significant problems. To a certain extent, this may be true. However, it must be recognized that the law, and those who make it, cannot be expected to anticipate and appreciate every conceivable circumstance or exigency which may confront a peace officer on the street. Any attempt to formulate such a law would undoubtedly collide with this reality. The statutory law, while employing certain restrictions and prohibitions on the use of deadly force, nevertheless recognizes that the law enforcement function is performed in a variety of circumstances and environments, by officers with various levels of experience and training. Furthermore, in carefully providing for certain conduct while prohibiting other conduct, the law gives broad discretion to peace officers. Moreover, law enforcement agencies are permitted to implement policy which further serves to define and direct the use of deadly force. This provides that the ultimate decision will be made by the officer confronted with the deadly force situation.

However, research seems to indicate that definitive, applicable, and culturally relevant guidelines to use of deadly force should exist. Practitioners and researchers seem to indicate that state statute should be augmented by policies and procedures, or written guidelines, which outline how and when each individual agency will allow the use of deadly force by peace officers.

Lee P. Brown (1979), New York City Police Commissioner and veteran administrator of several large police departments, is quoted in A Community Concern: Police Use of Deadly Force, as follows:

> The police department is the only agency authorized to use deadly force to compel people to obey law. This is an awesome power and responsibility delegated to the police-one which has a high potential for abuse and therefore must be controlled by a variety of means, including policy (p. 23).

Indeed, policy may serve as a method of defining and directing an agency's philosophy regarding the use of deadly force. Absent an individually tailored policy, an agency must rely for direction in deadly force issues on state law, which is generally meant not as

an individualized prescription, but rather as a general course of treatment. Brown (1979) argued that police administrators have a responsibility and duty to their officers, as well as the community, to promulgate guidelines which define the agency's perspective on deadly force and provide that the state deadly force statute is applied with an eye to the needs of the individual community.

But is the existence of a written policy on deadly force a necessity or a luxury, a liability or an asset, a burden or benefit? The evidence available seems to suggest that, especially in areas of critical operations, a well written and implemented policy, which augments and illustrates, rather than replicates state statute, is an asset and is beneficial in providing officers with the administrative guidance to which they are entitled in such areas of critical operation.

James H. Auten (1988), in "Preparing Written Guidelines," noted that law enforcement administrators have a moral obligation to their communities to provide written guidelines to assist officers in the performance of their duties in areas that may put citizen's lives or property in jeopardy, and to provide officers with parameters in which to exercise discretion. Bernard J. Farber (1984) in "Liability Impact of Written vs. Oral Policy," suggested that to be effective, policy must be placed in writing. In discussing the advantages of written policy, Farber noted that written policies, as opposed to oral policies, are generally more thoroughly considered in formulation, more comprehensive in content, provide better training opportunities for officers, are more consistently implemented and followed, and can substantially reduce the potential for litigation in deadly force situations.

Many administrators rely on the ability of their officers to apply the vague and sometimes little understood concepts of a state deadly force statute to everyday situations. Peace officers deserve, some may argue, to know what is expected of them in the execution of their duties, and how management will interpret the applicability of the deadly force statute to particular situations. In sum, most authorities suggest that it is the responsibility of the chief law enforcement officer to inform peace officers as to what the statute on deadly force says and how the statute should be applied in the community (Gallagher, 1990; Matulia, 1985; Farber, 1984; Geller, 1983; Brown, 1979).

Administrators need not attempt to regulate, by promulgation of policies and procedures, every aspect of police work. Such an endeavor would be futile given the diverse and varied circumstances in which the law enforcement function is performed. As Cordner (1989) noted, the very nature of law enforcement, with the broad range of discretion it involves, makes it rarely possible to issue straightforward, direct and simple guidelines.

Nevertheless, the same author argued that with regard to areas as critical and serious as deadly force, written directives are useful: "Extensive rules and policies probably do enable police administrators to reduce corruption, excessive use of force and some other types of scandalous behavior, and in that sense, may contribute to police effectiveness (p. 19)."

Many authors argued that it is inappropriate for agencies not to have written guidelines to cover reasonably foreseeable critical incidents, such as use of deadly force. Patrick Gallagher (1990), argued that policies and procedures must be provided for reasonably foreseeable field incidents. Furthermore, Gallagher stated, "The old maxim, falsely held, that you cannot be held accountable for a policy that you do not have, is not operable (p. 44)."

The idea that departments need to have written directives on use of deadly force was foreshadowed in 1977 in Police Use of Deadly Force, published by the Police Foundation. This comprehensive report used several research methodologies to analyze the police use of force prior to 1977. The report concluded that there existed a clear national trend toward proper use of police firearms, and concluded by stating:

> For those interested in building a more professional and humane police service, this trend is heartening. The important thing now for those who affect policing is to accelerate the process of developing written, more carefully defined standards for the use of firearms and by stronger management to enforce them (p.iii).

A common challenge to the assertion that departmental guidelines give proper focus to state deadly force statute is that such guidelines, directives or policies severely limit police discretion, hamper the police officer in the exercise of legitimate duties and possibly even endanger the officer. Such arguments have been well contemplated and thoroughly studied.

As previously stated, the purpose behind implementation of a written deadly force policy is to give the peace officer guidance and direction in applying a statue that many will argue is, from an operational standpoint, unclear, vague and recondite. Written deadly force policies may serve to educate a peace officer as to how management interprets the deadly force statute and how management expects the statute will be applied within the community. A well written deadly force policy may serve to define the parameters in which the peace officer may exercise discretion regarding the use of deadly force.

To argue police discretion and effective performance of duties may be hindered by the establishment of such parameters may be difficult in light of the total police culture and working environment. Gallagher (1990) observed that law enforcement agencies routinely dictate what types of uniforms officers must wear, what kinds of guns and ammunition they may carry, whether they must wear soft body armor and how they may operate emergency vehicles. As Milton et al. (1977) observed in Police Use of Deadly Force, "Generally, police officers do not question regulations that require them to keep their shoes shined, but they may very well chafe at what they feel are unnecessary restrictions on their authority to use their weapons (p. 128)."

An important issue in police discretion and use of deadly force policy seems to be that policy tends to channel and direct, not prohibit, use of deadly force by peace officers. The ultimate decision on using or not using deadly force will always, and should always, be with the peace officer on the scene. What deadly force policy strives to accomplish is to provide an appropriate framework in which that decision is made. The purpose of deadly force policies should be to assist, and not hamper, the officer in performing his or her duties. (Brown, 1979).

Perhaps the best summation of the issues surrounding deadly force policy and police discretion is made by Kenneth Matulia (1985) in A Balance of Forces:

> The issue of deadly force is perceived by police practitioners as an ever-present dilemma. The police are given the power, authority, and indeed the duty, by the community to use the force necessary to maintain social order and uphold the law. This responsibility is extremely broad and the actual decision to resort to deadly force must be made according to each individual's judgment within a framework of departmental policy and statutory law (p.5).

Empirical evidence supports the concept of agencies promulgating use of deadly force guidelines. For example, Balance of Forces, by Matulia (1985), is a report of a study conducted Matulia for the International Association of Chief's of Police. The two part study included a literature review, law review, and development, testing and analysis of 100 hypotheses based upon responses to a 71 question multi-part survey mailed to the chief law enforcement officer of the 57 largest metropolitan police departments in the United States. The following were the findings of this extensive project:

1. State laws have less affect on use of deadly force than do department guidelines.

2. Comprehensive administrative deadly force policy and procedure controls seem related to a lower justifiable homicide rate by police.

3. Departments with sufficient numbers of supervisors providing guidance and support had lower incidence of justifiable homicide by police.

4. The rate of justifiable homicide by police was related to the crime rate (Higher crime rate=higher rate of justifiable homicide by police) (pp. 13-16).

Matulia (1985) stated that agencies with lower levels of justifiable homicides by police do not experience a correlational rise in numbers of police officers shot or killed. Therefore, he concluded that it is possible, through adoption and implementation of written directives on deadly force, to reduce the number of people justifiably killed by the police, while not subjecting officers themselves to greater threat of death.

In a similar study, James Fyfe (1979) examined and analyzed all reported New York City police firearms discharges and serious assaults on police between 1971 and 1975. In 1972, the New York City Police Department implemented new administrative guidelines governing the use of deadly force by police and providing for review of such instances. The study sought to determine the effect of the new guidelines on the number of persons shot by New York City police officers, as well as on the number of police officers who were seriously injured or killed.

Fyfe (1979) found that there was a considerable reduction in the number of times officers shot suspects, particularly in instances which were typically viewed as controversial, such as shooting to prevent or terminate a crime. Moreover, Fyfe (1979) found that the decrease in the number of persons shot by police was not accompanied by an increase in police injuries or deaths. Fyfe (1979) concluded by stating:

> In the most simple terms, therefore, the New York City experiment indicates that considerable reductions in both police shooting and officer and citizen injury and death are associated with the establishment of clearly delineated (shooting) guidelines and procedures for the review of officer shooting discretion (p. 389).

Milton et al. (1977), in Police Use of Deadly Force, studied the deadly force policies and procedures of seven metropolitan police departments and their corresponding rates of deadly force use, for the purpose of identifying factors administrators should consider in developing written policies on deadly force.

The study resulted in a recommendation that departments develop, adopt and implement written guidelines pertaining to various areas of deadly force use by police. The report set forth recommendations to be, "considered as steps in a process to develop and implement a comprehensive set of policies and procedures to deal with this important issue (p. 127)". Milton et al. (1977), concluded by stating: "These recommendations (policy and procedure) are based on common sense, informed judgments, good management practices and the experiences of departments that have at least initial success in reducing the number of shootings by their officers (p. 127)."

Gallagher (1990) suggested that in order for written directives to be effective, agencies should do more than simply adopt a policy written for another agency, place a copy in the agency's policy book and forget about it until the unfortunate day that a deadly force policy requires review due to a police shooting. To be of value, some thought, time, training and review must become part of the policy process. For example, in the drafting of a deadly force policy, administrators may wish to consult with officers, supervisors, the department's legal counsel, elected officials, and community organizations.

Once a policy is decided upon and drafted, it is imperative that members of the agency receive some training regarding the new policy. As Gallagher (1990) noted, training officers in what policy says and means is often an area neglected by departments. Without proper training, it may be unrealistic to believe that a new policy can be successfully implemented and observed. Gallagher (1990), further stated that training must also include training for supervising officers. Training of supervisors in policy matters will allow for uniform interpretations and enforcement of policy.

According to Gallagher (1990), another area vital to the successful implementation and operations of policy is discipline. Discipline should be considered appropriate when a policy is violated or ignored. If policy exists but no sanction is imposed for ignoring or willfully violating the policy, the policy may be seen as meaningless. Finally, in order for policy to remain current, periodic review and revision is necessary. As Gallagher (1990) observed, policy should remain fluid, changing to reflect the nature and orientation of the agency or department.

Formulation and implementation of a comprehensive deadly force policy may not be a guarantee that an agency will not have to

contend with the many serious issues which may result from a use of deadly force situation. Rather, it would seem to act as an investment in the idea that when called upon by society to exercise the use of deadly force in the course of duty, the officer and agency involved will have the tools and knowledge to make an educated and informed decision.

CHAPTER 5

OVERVIEW OF POLICE FIREARMS

Having examined the meaning of deadly force and some methods by which it may be directed and controlled, the discussion now turns to the methods and instruments commonly used by law enforcement to effectively carry out the deadly force decision: firearms and ammunition.

Deadly force could be applied or inflicted with a number of instruments other than a firearm. For example, a police night stick or baton is considered a non-lethal weapon, but can easily kill. There are even documented cases of people who died after being sprayed with chemical mace (Clede, 1990). However, the uppermost end of the use of force continuum, deadly force, recognizes the firearm as the most lethal of all weapons. As Clede observed, "The two deadliest 'weapons' used by patrol officers are the automobile and the gun (p. 59)." In fact, it has often been noted that the gun on the police officer's hip serves as a reminder to the public of the ability of the police to exert the ultimate authority upon citizens who defy the law.

There are some basic concepts and terms with which one should become familiar to understand and appreciate the more complex issues surround police use of firearms and deadly force. In general, the peace officer has access to two types of firearms. The first type is the "sidearm", which is the weapon people most often associate with law enforcement, for as its name implies, it is the weapon peace officers carry on their belts, usually on either the right or left side of the hip. (The sidearm may also be carried in a shoulder or ankle holster by officers not in uniform.) The sidearm is most often used in situations where an officer is unexpectedly confronted with a deadly force situation. The small size and relatively light weight of the sidearm allows officers to carry the weapon at all times, and thus, it is available when unexpected situations requiring the use or possible use of deadly force present themselves.

The second weapon to which the officer generally has access is the "long gun" or "shoulder weapon", such as the rifle or shotgun. These weapons are generally utilized when officers respond to a situation where they reasonably believe they may encounter an armed suspect and may have to use deadly force. The size, weight and bulk of long guns prevent officers from carrying them on their persons. However, in most law enforcement agencies, long guns are kept readily accessible in police cars.

The categories of long gun and sidearm contain many variations

with regard to size, power and utility. For example, there are two main types of sidearms utilized by law enforcement agencies in the United States. These two types are the "revolver" and the "semi-automatic" or "semi-auto pistol" The revolver is the traditional sidearm of police officers. It consists of a heavy metal frame, barrel and cylinder. Six bullets are placed into the cylinder. When the trigger is pulled, the cylinder rotates; thus a fresh bullet is fired every time. After six rounds have been fired, the cylinder must be emptied of spent cartridges and reloaded. The revolver of today looks much like the "six-shooter" of the old west.

The second type of sidearm used by law enforcement officers today is the "semi-automatic" pistol or "semi-auto". The semi-auto consists of a frame with slide on the top, a barrel, which is inside the frame or body, and a magazine well or ammunition port, located at the bottom and within the grip. Ammunition, usually 8 to 16 rounds depending on the weapon, is placed into a magazine, which is then inserted into the magazine well or ammunition port. By manually activating the slide, a round comes off the magazine and is inserted into the chamber. When the round is fired, the gas from the burning gun powder and/or the recoile from the discharged round, pushes the slide back, causing the spent round to eject and a new round to feed from the magazine into the chamber. Thus, after chambering the first round, one may fire a rapid succession of shots until the magazine is empty. The weapon is reloaded by ejecting the spent magazine and inserting a magazine loaded with live rounds.

Both sidearms are commonly used in law enforcement today. There is much controversy over the advantages and disadvantages of each. Full explanation of the issue of revolver vs. semi-auto would cover a volume in itself. However, the semi-auto is gaining in popularity and use. Proponents of the semi-auto claim increased accuracy, easy reloading and high ammunition capacity as advantages. Proponents of the revolver cite the revolver's operational simplicity, low maintenance and reliability as advantages.

It is important to gain insight into the ballistics of sidearms. The sidearm is the vehicle which delivers the lead projectile known as the slug. The projectile is what is intended to incapacitate or neutralize the target. A bullet or a "round" consists of a brass or metal casing, a lead projectile, gun powder, and a primer. The gun powder lies at the bottom of the casing. The lead projectile or slug lies on top of the gun powder and extends out the end of the casing. When the bullet is placed in a weapon and the trigger is pulled, a firing pin strikes the primer, causing the gunpowder to ignite. The burning of the gunpowder forces the lead projectile to rocket from the casing, down the barrel of the gun, and to the target.

An important concept regarding ammunition is that of "caliber". The caliber of a round is the diameter of the lead bullet. Thus, a .38 caliber bullet is 38/100 of an inch in diameter. The larger the caliber of the bullet, the greater the diameter of the bullet and the larger the hole it will punch in its target. Firearms are designated by the caliber of round they will fire. Thus, a .38 caliber weapon fires a .38 caliber round, and so on.

Another measure often associated with ammunition is "grain." The grain of a round is the weight of the lead slug or projectile. There are 7000 grains in one pound. Thus, a 120 grain .38 caliber slug is lighter than a 150 grain .38 caliber slug, although both are the same diameter. The weight of the bullet is important because it directly affects the velocity at which the bullet will travel, and the bullet's speed and mass at the time it strikes a target are an essential factors in determining the incapacitating ability of any given round. "Grain" is also used as a measure of the amount of gun powder contained within the casing. All handguns used for general police operations are loaded with bullets, as described above. However, there is a great variety between and sometines within agencies as to caliber of sidearms officers carry.

Within the long gun category, there are two basic subdivisions: the rifle and the shotgun. The rifle is basically a large version of a handgun, in that the rounds fired from rifles consist of a single lead projectile driven down the barrel of the rifle by burning gunpowder within the casing of the round. The rifle is so named because the barrel is "rifled." This means there are small grooves in the barrel which cause the bullet to spin. This spinning of the bullet gives it great stability and accuracy. Sidearms also have rifled barrels. However, the longer barrel of the rifle allows the bullet to attain greater stability and more accuracy. This, in conjunction with the fact that long weapons are generally fired while shouldered,therby steadying the weapon for more accurate aim, makes the accuracy of the rifle far superior to that of the sidearm at longer ranges.

The shotgun differs from the rifle in several ways. First, the shotgun is designed to shoot a shell cartridge. The shot shell consists of a metal base which contains the primer, and an attached plastic jacket containing pellets of lead, as opposed to the single projectile of the bullet. The pellets rest on a plastic wad that separates them from the gunpowder. When the shot shell is placed into the chamber of the shotgun, and the trigger is pulled, the gunpowder ignites, forcing the pellets to burst from the shell and travel down the barrel of the shotgun. When the pellets leave the shotgun barrel, they begin to spread into a "pattern" as they travel away from the barrel. The farther from the barrel the pellets travel, the farther apart they spread, and the larger the pattern.

Furthermore, the shotgun barrel is smooth on the inside; there are no grooves as with the rifle. Because of this, it is difficult to accurately predict the trajectory of any single pellet. However, such accuracy is not necessary with the shotgun, as some of the numerous pellets should hit the target if it lies within a reasonable distance. Therefore, rather than a single, well targeted projectile, as the rifle utilizes, the shotgun relies on numerous projectiles which spread over an area, thus making a hit upon the target likely (Wetzel, 1990; Young, 1990).

Shotguns are classified by gauge. The gauge refers to the size of the shotgun barrel, and correspondingly the size of the shell the shotgun will fire. The smaller the gauge number, the larger the shell. Therefore, a 12 gauge shell is larger than a 20 gauge shell.

The number of pellets contained within each shot shell is determined by shot number. The lower the shot number, the larger the size of the projectiles or pellets contained within the shot shell. Of course, as the pellets get larger, less of them fit in the shell casing. Thus, a No. 8 shot shell would contain many small pellets, whereas as a No.2 shot shell would contain less pellets, but the pellets would be larger. Shells containing the largest sized pellets are known as buckshot. The largest pellets found in buckshot are .00. There are nine pellets in the normal .00 buckshot shell (magnum loads containing 12-15 pellets are also available). The pellets are large, each about the equivalent of .33 caliber bullet. Thus, when this round is fired, nine .33 caliber pellets travel down the barrel and begin to spread upon leaving the barrel. Within seven yards of the barrel, all eight pellets will usually strike a target, designed to represent a human, within the vital areas. However, at 25 yards, about half of the pellets (four or five of nine) will hit the human sized target, and the corresponding number will miss (Boyle, 1989).

The stray pellets will travel past the target, and are still capable of killing human beings over 100 yards away, but are so spread apart they cannot be accurately aimed (Boyle, 1989). For law enforcement purposes, the generally accepted effective range of the shotgun loaded with .00 buckshot is about 25 yards. Past this distance, the spread of the buckshot, as well as the decreasing velocity of the pellets make, make the shotgun ineffective for law enforcement purposes. (Siitari, 1990; Timmons, 1990; Wetzel, 1990; Young, 1990; Ayoob, 1989; Whetstone, 1987; Clede, 1986; Fairburn, 1985; Rupert, 1985).

A shell sometimes used in shotguns for law enforcement is the slug. The slug is a 1 to 1.5 ounce piece of lead which replaces the pellets inside of a shell. The slug basically turns the shotgun into a smooth barreled rifle which shoots a very large caliber lead projectile (about the equivalent of a .74 caliber bullet). The slug can be accurately utilized at between 50 and 100

yards, as compared to .00 buck which has a maximum effective range of about 25 yards, due to the spread of the pattern and the decreasing velocity of the slugs (Ayoob, 1989; Fairburn, 1985; Kapelsohn, 1985). However, the slug is an extremely powerful round which has the capability of penetrating two car doors, and therefore, over penetration must be a consideration in its use (Timmons, 1990; Whetstone, 1987).

There are many important decisions the peace officer must make in deciding not only if weapon use is warranted in a particular situation, but also what type of weapon and what type of ammunition should be employed. For instance, an officer may be responding to a hold up alarm at a bank. This type of call would lead an officer to reasonably believe that the probability is high that adversaries are armed. Therefore, an officer may believe that a rifle or shotgun would be the weapon of choice. However, environmental considerations may dictate otherwise. First of all, the suspects will probably be approached in an area where there are many persons and buildings. In such an instance, the wide pattern spread of the shotgun loaded with .00 buckshot would pose a great risk to innocent bystanders. Similarly, a shotgun loaded with a slug could pose a risk due to over-penetration of the slug.

Weapon selection is an important issue for the peace officer. There is currently some debate about whether the shotgun or the rifle is best suited for use by peace officers on the street. There are law enforcement professionals who argue that rifles, particularly the small caliber carbine rifles, are more appropriate for patrol operations which require the use of long guns (Boyle, 1990; Holden, 1990; Sobey, 1990; Timmons, 1990; Ayoob, 1989; Williams, 1989; Whetstone, 1988; Fairburn, 1985). However there are also those who argue that, with appropriate training, the shotgun can be effectively utilized as a law enforcement tool (Lane 1990; Siitari, 1990; Wetzel, 1990; Young, 1990; Clede, 1986; Rupert, 1985; Bowman, 1984).

There are advantages and disadvantages to both the police shotgun and the rifle. However, most experts seem to agree that regardless of the weapon employed, a major consideration must be more officer training. (Siitari, 1990, Holden 1990; Mattison, 1991; Whetestone, 1987; Clede, 1986; Rupert, 1985; Bowman, 1984). Officers should know the capabilities and limitations of the particular weapon, and should be able to apply this knowledge to the practical setting under adverse conditions. Such ability is developed and honed only through vigorous and thorough training and continuing education programs.

Chapter 6

Firearms Training in Minnesota: A Brief Overview

A comprehensive examination of the pre-service firearms curriculum would constitute a separate report in itself. Nevertheless, a brief overview of the firearms section of the Professional Peace Officer Education Program (PPOE) is important in developing a basic understanding of peace officer firearms and use of deadly force.

The law enforcement occupation is a profession, and thus an educational model including a broad-based education, combined with strong professional education, is used in educating Minnesota's future peace officers. As is the case in pursuing any profession, each student is responsible for obtaining the required educational qualifications before gaining entry into the job market. This education is provided by the Minnesota higher education systems.

Individuals interested in pursing a career in law enforcement complete their professional education by earning either a two-year or four-year degree at one of the colleges or universities approved by POST to offer the PPOE. Students must also complete this clinical skills instruction as either a part of or an extension to their academic degree program. The bifurcated delivery of these two components of the professional education occurs in the programs of the community college and state/private university systems. The integrated curriculum is available only in the programs at two technical colleges, Alexandria and Hibbing Technical Colleges.

Students who already hold a two-year or four-year degree in a discipline outside of law enforcement do not have to complete an entire degree program to become eligible for a peace officer license. These students can enter law enforcement certificate programs, similar to teaching certificate programs, and take only the required core courses in the law enforcement curriculum to complete the Professional Peace Officer Education program. Such programs can be pursued at any of the certified institutions.

The curriculum in the Professional Peace Officer Education programs in Minnesota is based on job task analyses carried out in the mid 1970's. It is published as the Learning Objectives for Professional Peace Officer Education (1989). The learning objectives were, therefore, a response to the need for consistency or uniformity of curricular experiences, as well as an acknowledgement that diversity could and should exist between programs.

A complete revision of the learning objectives was undertaken in 1988-89 and published in September, 1989. Multi-disciplinary focus groups were created to review each section of the learning objectives. Revisions were made to ensure that the learning

objectives reflect current trends in education, training and philosophy.

The following are the current major areas of study in the professional peace officer curriculum:

Academic Component

1) Administration of Justice
2) Minnesota Statutes
3) Criminal Procedure
4) Human Behavior
5) Juvenile Justice
6) Operations and Procedures
7) Cultural Awareness

Clinical Skills Component

8) Techniques in Criminal Investigation and Testifying
9) Patrol Functions
10) Traffic Law Enforcement
11) Firearms
12) Defensive Tactics

In the firearms area, the learning objectives require that students demonstrate knowledge and proficiency in the areas of firearms safety, care and service of weapons, shooting principles, deadly force decisions and authorized use of deadly force by peace officers. In addition, students are required to fire both sidearms and shotguns from various distances and positions. The time allocated for firearms instruction runs from about 40 hours for students attending the bifurcated program of the community colleges and state/private universities to about 100 hours for students attending the integrated curriculum programs.

This raises a new issue. The education for the practical use of firearms by peace officers originates in one curriculum area of the learning objectives. However, it quickly crosses into other theoretical curriculum areas such as deadly force, use of force, criminal code, rules of criminal procedure, constitutional law, cultural diversity, human behavior, and self-defense. Therefore, the quality of the instruction would be enhanced if the curriculum integrates the related subject areas rather than providing the instruction in isolated unrelated blocks of instruction which occurs when students receive their clinical skills component after they receive their college degrees.

Generally, students who complete PPOE have the basic knowledge, skills and abilities to use deadly force and a firearm. However, the agencies which hire these students and appoint them as peace officers need to continue this education. This occurs as part of a law enforcement agency's orientation program and as part of continuing education.

Continuing education is an essential component in the peace officer licensing system in Minnesota. The basic requirement is simple and it is related to the ongoing status of every officer's license. The peace officer license is issued for a three year period. Peace officers must earn 48 hours of continuing education during each three year licensing period.

However, the POST Board limits the licensee to six hours of on-range qualification shooting to a renewal period for credit. The POST Board enacted this limit to prevent licensees from obtaining all 48 hours in a very limited area. This restriction does not apply to classroom instruction as a part of the on-range qualification course. Therefore, decision shooting, deadly force, legal updates, and advanced firearms tactics are eligible for continuing education credits beyond the six hour limitation.

CHAPTER 7

MINNESOTA DEADLY FORCE POLICY SURVEY

Thus far, the issues of deadly force policy, firearms use and deadly force decisions have been discussed. However, in order to further define these issues, from a local or state perspective, it is necessary to have some accurate and timely information as to exactly what is happening in Minnesota regarding the use of deadly force.

To obtain this, the POST Board developed and administered a survey using a written questionnaire about deadly force and related issues. The questionnaire was mailed to the chief law enforcement officer of each of the 544 law enforcement agencies in Minnesota. The questionnaire contained 74 questions regarding use of deadly force, deadly force policy and procedure, firearms policy, weapon discharge history, and perceptions as to the adequacy of deadly force and firearms training in Minnesota. The questionnaire was distributed by mail and responses were returned by mail. The survey was conducted between May 29, 1990 and July 1, 1990.

Of the 544 questionnaires mailed, 334 were returned, for a response rate of 61.3%. The importance of this response rate should not be overlooked. Response rate is one way of determining the representativeness of a sample. The higher the response rate, the less the chance of that significant response bias will affect the final results (Babbie, 1986). In fact, he noted a 50% response rate is considered adequate, 60% is considered good, and 70% is considered very good. However, it should also be noted that not all respondents answered all questions. Furthermore, certain responses may have been excluded because they were unreadable or otherwise unusable. As a result, not all percentages are based on the 334 response rate. When data is presented, "N" will be used to show the number of valid responses from which the percentages are calculated.

In addition to data gathered as a result of the survey, data from the FBI Uniform Crime Report, as well as the Minnesota Bureau of Criminal Apprehension Minnesota Crime Information series, will be considered in attempting to construct a somewhat representative overview of deadly force use in Minnesota.

Between the years 1979 and 1989, 907 peace officers were killed in the line of duty in the United States, according to the Uniform Crime Report (UCR). The UCR does not provide data on the number of persons killed by peace officers nor the number of

instances in which peace officers employed deadly force in the performance of duty.

During the same period, 9 peace officers were killed in the line of duty in Minnesota and 4658 were assaulted, 564 of them with deadly weapons. The number of peace officers assaulted deserves consideration because any time a peace officer is assaulted or engaged in a physical confrontation, at least one of the parties (the peace officer) is armed and, therefore, the possibility of the situation escalating to the deadly force level becomes very real (Morris, I-2).

Minnesota law requires chief law enforcement officers to file a report with the Minnesota Bureau of Criminal Apprehension any time a peace officer discharges a weapon in the line of duty, except for the purposes of firearms training or killing animals (Minn. Stat. § 626.553 subd. 2). These records reveal that between 1980 and 1989, 831 firearms discharges were reported by Minnesota law enforcement agencies. These firearms discharges resulted in 63 persons wounded and 37 killed (Frawley, 1980-89).

The survey conducted by the POST Board sought to solicit information from agencies regarding such related issues as existence of firearms policies and procedures, training policies for use of firearms, and differentiation in training between various types of firearms. In gathering this data, POST also sought to collect some basic demographic data for the purpose of determining characteristics of the respondent agencies.

According to the data, 81% of respondent agencies were municipal police departments, 17% were county sheriff's departments and 2% were state law enforcement agencies, township police departments or public safety agencies (N=334). Data indicated that 24% of respondent agencies were located within the seven county metro area, while 76% were located outside the seven county metro area (N=331). According to POST Board data, 17% of Minnesota's law enforcement agencies are located in the seven county metro area.

The respondent agencies showed a mean number of peace officers employed of 16. However, due to the variation of the data, the modal measure, which in this case was 3 officers per agency, is probably a more accurate measure of central tendency (N=344). Similarly, respondent agency data indicated a mean jurisdiction population of 16,000 and a modal population measure of 1,000. Once again, due to the wide variation of the population numbers, the mode measure is probably the most reflective of central tendency.

The first area of inquiry was that of deadly force policy. Respondents were asked if they had a deadly force policy, and if so, whether it was more or less restrictive than state law.

Table 1

Does your agency have deadly force policy?

VALUE	FREQUENCY	%
YES	313	94
NO	20	6
TOTAL	333	100.0

Table 2

Is your policy more or less restrictive than the Minnesota deadly force statute (Minn. Stat. § 609.066)?

VALUE	FREQUENCY	%
MORE RESTRICTIVE	60	19
SAME	251	80
LESS RESTRICTIVE	2	1
TOTAL	313	100

Data showed that 94% of respondent agencies indicated that they had a written directive regarding the use of deadly force (N=333). Of those who responded affirmatively, 80% indicated that their deadly force policy was no more or no less restrictive than the Minnesota statute on deadly force (Minn. Stat. § 609.066). Nineteen percent of respondents said their agency's deadly force policy was more restrictive than the state deadly force statute, while 1% of respondents indicated that their policy on deadly force was less restrictive than state statute on deadly force(N=313).

Agencies were asked if they distributed a copy of their deadly force policy to officers. The purpose of this inquiry was to determine if agencies who had adopted a policy were making officers aware of the policy.

Table 3

Does your agency distribute copies of its deadly force policy to officers before they are allowed to carry a firearm?

VALUE	FREQUENCY	%
YES	283	93
NO	22	7
TOTAL	305	100

Data indicate that 93% of respondent agencies distribute a copy of the agency's written directive to officers before they are allowed to carry a firearm, while 7% of agencies allow officers to carry a firearm without issuing the officer a copy of the agency's written deadly force policy (N=305). Furthermore, 90% of respondent agencies indicated that they gave officers some basic instruction in the agency's deadly force policy prior to authorizing the officer to carry a firearm (N=313).

The issue of "warning shots" or shots fired in the general direction of a suspect to warn the suspect of the officer's intent to use deadly force if the suspect does not acquiesce, was also considered. For the most part, experts agree that the use of warning shots, especially in urban areas, is poor public policy and advise against it (Siitari, 1990; Holden, 1990; Matulia, 1985; Brenner et al., 1979; Milton et al.; 1977). The respondents were asked if their agency's had a written policy regarding the use of warning shots.

Table 4

Does your agency have a policy regarding the use of "warning shots"?

VALUE	FREQUENCY	%
YES	272	82
NO	59	18
TOTAL	331	100

The POST survey revealed that 82% of respondent agencies have a written directive regarding the firing of warning shots by officers, while 18% indicated they have no such written directive (N=331). Although the research instrument does not indicate what this policy provides for, the important consideration with regard

to this data is that a substantial proportion of agencies surveyed have considered the issue and have implemented policy pertaining to it.

Respondents were asked if their agency had a written directive requiring all officers to carry only department approved or issued firearms while on duty. Seventy five percent of the agencies said they had such a policy, and 25% said they did not (N=331). Respondents were asked whether or not their agency had a policy regarding the carrying of concealed back-up weapons by on-duty officers. Data showed that 45% of respondents said their agency had a policy regarding the carrying of back-up weapons, while 55% of respondents said their agencies had no such policy (N=331).

Respondents were asked if their agency had a written directive requiring officers to submit a written report whenever an officer discharged a firearm in the line of duty (other than for training). As previously mentioned, this is a statutory requirement under Minn Stat. § 626.553 subd. 2.

Table 5

Does your agency have a written directive requiring officers to submit a report whenever an officer discharges a weapon in the line of duty?

VALUE	FREQUENCY	%
YES	289	87
NO	43	13
TOTAL	332	100

Data showed that 87% of respondents said they had such a policy, while 13% said they did not (N=332). It is unclear if the 13% of agencies who do not have a written policy for the reporting of firearms discharges routinely report them as a matter of custom, despite the lack of policy, or if they simply go unreported.

Respondents were asked if their agencies had written directives for review of deadly force incidents. The review of critical incidents such as deadly force encounters has become a common practice in many agencies nationwide. Review of deadly force incidents provides valuable training, educational and tactical information.

Table 6

Does your agency have a written directive requiring review of incidents involving the discharge of firearms by officers?

VALUE	FREQUENCY	%
YES	253	76
NO	80	24
TOTAL	333	100

Data indicated that 76% of respondents said their departments have a written policy requiring review of incidents involving discharge of a firearm by an officer, while 24% said their agencies had no such policy (N=332). Furthermore, 57% of respondents said their agencies had a written directive regarding disciplinary procedures in the event of an unauthorized weapon discharge by an officer, while 43% said their agencies had no such written policy (N=330).

Respondents were asked how often their deadly force policy was reviewed by officers. Periodic training and review in policy and procedure can be critical to proper implementation and execution of policy (Gallagher, 1990).

Table 7

How often is your agency's directive on deadly force reviewed by officers?

VALUE	FREQUENCY	%
MORE THAN ONCE PER YEAR	57	21
ONCE PER YEAR	142	53
EVERY 2 YEARS	31	12
OTHER	38	14
TOTAL	268	100

Fifty three percent said their policy was reviewed by officers once a year, while 21% said their policy was reviewed more than one time per year. Data indicated that 12% of respondents said their policy was reviewed by officers every two years, while 14% indicated another time-frame for review.

The next area surveyed was the area of firearms. The survey questions focused upon the primary firearms used by peace officers:

the sidearm and the long gun. The questions attempted to assess agencies policies regarding use, display, training and tactical deployment of these firearms. Respondents were asked if new officers in their agencies were required to qualify with their sidearm before being allowed to carry it on duty.

Table 8

Does your agency require new officers to qualify with their sidearm prior to duty?

VALUE	FREQUENCY	%
YES	264	80
NO	66	20
TOTAL	330	100

With regard to new officer qualification, 80% of respondents said their agencies requires officers to qualify on range with a sidearm before the officer is allowed to carry the sidearm, while 20% did not make such qualification a requirement (N=330).

Respondents were then asked how often they required their officers to demonstrate proficiency with the firearm by qualifying on the firing range.

Table 9

How often are officers in your agency required to qualify with their duty sidearms?

VALUE	FREQUENCY	%
4 OR MORE TIMES PER YEAR	45	14
2 - 3 TIMES PER YEAR	154	47
ONE TIME PER YEAR	100	30
OTHER	31	9
TOTAL	330	100

Of the agencies responding, 47% said they require officers to qualify with their sidearms two to three times a year, while 30% required their officers to qualify only once a year, and 14% said officers in their agency qualify more than four times a year with their sidearms. Of special interest is the fact that 9% of respondents answered "other" and either specified their qualification requirement as monthly, or stated they are not

required to qualify with sidearms (N=330).

The typical range qualifying exercise, according to the data, consists of officers firing between 51 and 100 rounds of ammunition (50.9% of respondents), while a smaller portion, 35.6% said their agency requires officers to fire between 26 and 50 rounds per qualification exercise (N=330). In the majority of respondent agencies, 56%, qualifying at the range is the only training officers are required to complete with firearms, while 42.8% of respondents said their agency requires training in addition to on-range qualification exercises (N=330).

The next area of inquiry sought to determine how agencies deal with officers who are not able to demonstrate proficiency by qualifying on the firing range. In general, officers who are unable to qualify on the range are not removed from duty but generally are required to obtain remedial training.

Table 10

If an officer fails to qualify with a sidearm, what steps are taken?

VALUE	FREQUENCY	%
REMOVE FROM DUTY & TRAIN	35	11
REMAIN ON DUTY & TRAIN	237	75
REMAIN ON DUTY & NOT TRAIN	10	3
OTHER	34	11
TOTAL	316	100

With regard to on-range qualification, 75% of respondents said that if an officer in their agency fails to obtain a qualifying score at the scheduled qualification session, the officer is required to attend remedial training but is not removed from duty, while 11% of respondents said the officer in their agencies who fails to qualify with a sidearm is removed from duty and required to attend remedial training. However, 3% of respondents said officers who fail to qualify are allowed to continue duty with no remedial training. Eleven percent of respondents indicated that some other measure was employed with officers who fail to qualify with sidearms (N=316).

In general, the majority (75%) of agencies surveyed were satisfied that their officers qualify often enough to stay proficient with their sidearms (N=330). Those respondents who said they did not think their agencies qualified often enough with sidearms cited budget constraints and availability of training

officers as the major obstacles.

Respondents were asked how many times in the 1989 calendar year officers in their agency discharged a sidearm in the line of duty, not including training or shots fired to dispose of animals. In theory, the results from this inquiry should closely reflect those reported to the Bureau of Criminal Apprehension (BCA).[1]

Table 11

How many times in 1989 did officers in your agency discharge a sidearm on duty (not including training or shots fired to dispose of animals)?

VALUE	FREQUENCY	%
0	322	96
1	8	2
2	1	.3
4	1	.3
10	1	.3
12	1	.3
TOTAL	344	100

Ninety-six percent of respondents reported no officers in their agency had discharged a firearm during the 1989 calendar year. Two percent reported one incident of sidearm discharge within the 1989 calendar year, and the remaining 2% indicated between 2 and 12 sidearm discharges (N=334).

The survey sought to solicit similar information regarding agencys' use of long guns. Of particular interest in this inquiry should be the comparative levels of training required for the long gun as opposed to the sidearm. Respondents indicated that 6% of agencies prohibited the use of long guns by officers, while 94% allowed the use of long guns by officers (N=327).

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[1] There were 72 reported firearms discharges by peace officers in Minnesota in 1989. Fifty-six of the shots fired resulted in no injuries (77%), 14 resulted in wounds (19%), and two resulted in fatalities (3%).

Table 12

Does your agency prohibit the use of long guns by officers?

VALUE	FREQUENCY	%
YES	19	6
NO	308	94
TOTAL	327	100

Seventy-five percent of the agencies which allow officers to use long guns require that new officers qualify with the weapons prior to starting, while 25% have no such requirement (N=322).

Table 13

Prior to having access to a long gun for use on duty, are newly hired officers required to qualify with a long gun?

VALUE	FREQUENCY	%
YES	243	75
NO	79	25
TOTAL	322	100

Regarding types of long guns used by law enforcement agencies, 89% of respondent agencies indicated that they provide shotguns for use by officers and 2% said they provide rifles, while 9% said their agency provides both rifles and shotguns.

When asked about policies governing use of long guns, 41% of respondents said their agency had a written policy regarding officer use of long guns, while 59% said their agency had no such policy (N=318).

Table 14

Does your agency have a written directive for the use of long guns?

VALUE	FREQUENCY	%
YES	129	41
NO	189	59
TOTAL	318	100

Furthermore, 20% of respondents said they had a written directive that addressed when officers should remove the long gun from the police car, gun case or security device, while 80% said they had no such directive (N=321).

Respondents were asked to give information regarding their agency's training policies for long guns. Once again, a comparison of sidearm training with long gun training may reveal some notable discrepancies.

Table 15

How often are officers in your agency required to qualify with a long gun?

VALUE	FREQUENCY	%
4 OR MORE TIMES PER YEAR	73	4
2-3 TIMES PER YEAR	102	34
1 TIME PER YEAR	141	47
EVERY 2 YEARS	17	6
OTHER	26	9
TOTAL	299	100

According to the data, 47% of respondents said their agencies require officers to qualify with a long gun once a year, while 34% said their agencies require qualification two to three times a year, and 4% said their agencies requires qualification four or more times a year. Six percent of respondents indicated that their agencies required qualification every two years, and 9% indicated other or no qualification requirement (N=299).

Respondents were questioned about typical qualifying exercises employed by their agencies for long guns. Forty percent of respondents said their agencies require officers to fire less than 10 rounds per qualifying session, while 45% required officers to fire from 11 to 25 rounds per qualification session, and 12% required officers to fire between 26 and 50 rounds per qualifying session. The remaining 3% indicated their agency requires in excess of 51 rounds to be fired per qualification session (N=320).

The majority of respondents, 53%, said their agency provides some classroom instruction on the use of long guns at the time of qualifying (N=315). However, only 31% of respondents said their agency requires training in long gun use other than routine qualification (N=316).

As with the sidearms, respondents were asked what course of action was taken if an officer failed to qualify with a long gun. Six percent said the officer would be removed from duty and assigned to remedial training, while 78% said the officer would be assigned to remedial training but not removed from duty and 4% said the officer would be allowed to remain working and would receive no remedial training (N=289).

Table 16

If an officer fails to qualify with a long gun, what steps are taken?

VALUE	FREQUENCY	%
REMOVED FROM DUTY & TRAINED	18	6
NOT REMOVED FROM DUTY & TRAINED	226	78
NOT REMOVED FROM DUTY & NOT TRAINED	12	5
OTHER	33	11
TOTAL	289	100

Respondents indicated that during the 1989 calendar year, 98% of agencies surveyed reported no discharge of long guns in the line of duty (not including shots fired for training or for the purpose of disposing of animals), while 1.7% reported one to five incidents of long gun discharge (N=316).

Table 17

How many times in 1989 did officers in your agency discharge a long gun on duty (not including training or shots fired to dispose of animals)?

VALUE	FREQUENCY	%
0	310	98
1 - 5	4	1.7
6 - 10	1	.3
TOTAL	315	100

The majority of respondents, 64%, indicated that officers in their agency qualified often enough with long guns, while 35% thought they did not (N=316). Once again, budget constraints and availability of training officers were cited the most often as reasons for lack of training.

Finally, respondents were asked about their perceptions on officer training regarding weapon selection, (i.e. when is it appropriate to use a particular weapon (handgun v. long gun) as opposed to another). Respondents were asked if officers received in-service training on weapon selection and 45% said such training was offered by their agency, while 55% said it was not (N=267).

Respondents were also asked to give information regarding their agency's policy on off-duty weapons. Respondents indicated that 88% of agencies allowed officers to carry off-duty weapons while 12% forbid the practice (N=331). Of those agencies which allowed officers to carry off-duty weapons, 66% had a written directive regarding off-duty weapons and 34% did not (N=296). Data indicated that 39% of departments have a written directive stating types and caliber of weapon officers may carry off duty, and 64% of departments require officers to qualify with their off-duty weapon while 36% do not (N=291).

Finally, the survey attempted to explore the area of death notification. Eighty-two percent of respondents said their agency has no written directive outlining the procedure for serving death notification, while 18% said they had such a policy (N=331). Furthermore, 84% of respondents said their agency did not have a policy regarding the serving of a death notice in the event that an officer is killed in the line of duty (N=331). In addition, 90% of respondents said their agency had no written directive for serving death notification in the event that a citizen is killed by an officer (N=332).

With regard to media notification following a use of deadly force situation, 79% of respondents said their agency had no written directive regarding release of information to the media in the event that either an officer was killed in the line of duty or a citizen was killed by an officer in the line of duty (N=317).

Although this study may provide some general information regarding deadly force issues in Minnesota, several words of caution are advisable. Data was supplied by chief administrators of law enforcement agencies, and therefore, the results reflect the perceptions of the chief administrators. These perceptions may differ dramatically from those of patrol officers. Furthermore, it should be noted that the Peace Officer Standards and Training (POST) Board, which serves as the licensing agency of peace officers (chief administrators included) in Minnesota, administered the survey. As a result, it is possible that responses provided may have tended to reflect what the respondents perceived the POST Board wished to hear, rather than reflecting the existing reality in the agency.

This is not to say that respondents were intentionally dishonest or misleading. This phenomena, known as the Hawthorne Effect, is common among research subjects. In most any situation

where subjects are aware that they or their responses to questions are being scrutinized, there is a tendency to provide the researcher with the response the subject believes the researcher desires, or to otherwise change behavior simply as a result of being studied. This may tend to skew the responses and taint the results.

Another issue to be considered in evaluating this research is that the deadly force survey was one of several conducted by the POST Board within a 12 month period. The POST board received numerous comments to the effect that peace officers in Minnesota were becoming tired of responding to such surveys, and may therefore, have neglected to give their undivided attention and complete consideration to the questions asked. Further evidence of this exists in that the data analysis phase of this study, it was found many questionnaires contained contradictory or incomplete information, which either rendered them unusable or suspect as to validity.

This study came directly after several controversial deadly force incidents in Minnesota. Several of the incidents involved peace officers killing suspects, and two incidents involved suspects killing peace officers. As a result, there appeared to be a generalized suspicion among peace officers as to the legislature's concern over the deadly force issue. Specifically, several respondents commented that they thought the study was an effort to further regulate or restrict peace officers' ability to defend him or herself in the line of duty. This sentiment was also echoed by several persons who were not respondents, but who had heard or read about the study and contacted the POST Board with comments.

Finally, the issue of local control may also have been a complicating factor in the study. Traditionally, agencies favor localized, internal controls over the operations of law enforcement functions. Therefore, local agencies are often reluctant to provide information which they perceive may somehow erode or reduce their control. As a result, less than accurate information may have been provided by some of the respondents. The issue of local control is not unique to this instance. The issue of local control surfaces regularly in any discussion regarding regulation of law enforcement functions, agencies, or peace officers.

CHAPTER 8

SUMMARY AND CONCLUSION

Policing in modern society is complex and difficult. The police are often required to make their decisions, sometimes involving life and death, under adverse and stressful conditions. The authority to use force in the name of the government carries with it a responsibility to do so only when absolutely necessary, and then only to the degree reasonable. Considering any issue regarding the police, one must bear in mind the complexities and ambiguities of the police mandate, as well as the split second decision making process which is often required.

Any attempt at evaluating the police use of deadly force must not lose sight of the fact that the police work in a fluid and unstable environment, in which hard and fast rules are difficult to apply. Nevertheless, the research suggests that legislative or policy directives which encourage and explain reasonable use of force and its application, have had a profound affect on the way in which the police address their responsibilities in this area.

The research suggests that use of force is best viewed as a continuum, which may escalate or de-escalate, depending on circumstances. Therefore, in order for the peace officers to arrive at a use of force decision, they must analyze the totality of circumstances and conditions.

The delivery of education pertaining to the issues surrounding deadly force should be examined. Research suggests that the most appropriate model to follow is an integrated curriculum approach of delivery. This would provide the officer with an ongoing interpretation of the issues pertaining to deadly force and a constant application of the principles.

In general, a majority of Minnesota law enforcement agencies indicated they had written policies regarding the use of deadly force by officers. However, 80% of the agencies that indicated they had written policies said their policies were the same as, or as similar to, the Minnesota Statute on deadly force. As the literature review indicates, a major purpose of deadly force policies and procedures at the local level is to define and localize deadly force decisions, as well as to direct officers as to the application of deadly force. However, in agencies where the deadly force policy simply reflects the state statute, this goal is not accomplished. Of some concern should be the additional fact that two agencies (1% of respondents) indicated that their deadly force policy was less restrictive than state law. Clearly, the use of deadly force by a more liberal standard than the state statute

is illegal. Research indicates that review of deadly force situations can reduce the number of deadly force incidents. Furthermore, critique of critical incidents such as use of deadly force can serve as an excellent training resource. Seventy-six per cent of the agencies surveyed indicated that they did have a policy which required review of incidents involving discharge of firearms by officers.

Respondents were asked how often their deadly force policy was reviewed by officers. Research indicates that periodic review and training on an agency's policy and procedures is necessary to keep officers current and to address emerging issues. Fifty-three per cent of respondents indicated that their directive is reviewed at least once a year by officers.

Respondents were asked if their agency required new officers to qualify with their sidearm prior to duty. This is an area of concern because new officers generally have a minimum level of proficiency with firearms. Additionally, agencies should provide new officers with an opportunity to familiarize themselves with their duty sidearm, as well as to acquaint themselves with local policies and procedures on deadly force. According to the survey, 80% of agencies required new officers to qualify with a sidearm prior to starting with the agency.

Respondents were asked how often officers in their agency were required to qualify with their duty sidearm. Qualification exercises generally consist of officers firing at a stationery target and officers are required hit the target with a designated percentage of shots in order to qualify. These periodic reviews and exercises serve both to develop officer skills and proficiency, as well as to allow agencies to assess an officer's ability to handle a weapon. Forty-seven per cent of agencies indicated that officers were required to qualify with their sidearms two to three times per year. Thirty per cent of agencies indicated that they required qualification one time per year. Of some concern in this area is the fact that 9% of agencies indicated officers are required to qualify with their handgun less than one time per year.

Agencies were asked what steps were taken regarding an officer who fails to qualify with a sidearm. The majority of respondents (75%) indicated that officers were allowed to remain on duty and receive remedial training. Only 11% of respondents indicated that officers were removed from duty until remedial training was completed. Three per cent of the agencies indicated that officers who failed to qualify were neither removed from duty nor required to attend remedial training.

Responding agencies indicated they required officers to qualify less often with the long gun than with the handgun. Furthermore, 40% of respondents said their agency required officers to fire less than 10 rounds for long gun qualification, while 45%

required officers to fire from 11 to 25 rounds for qualification session. However, responding agencies indicated that the majority (50%) of agencies required officers to fire between 51 and 100 rounds of ammunition with the sidearm for qualification, and about 35% required officers to fire between 26 and 50 rounds with the sidearm for qualification purposes. As with the sidearm, the majority of respondents indicated that officers who fail to qualify with the shotgun are not removed from duty but receive remedial training. Regarding long gun discharge, 98% of agencies reported 0, long gun discharges during 1989, while about 2% reported between 1 and 5 shotgun discharges by officers in the line of duty.

Generally speaking, respondents indicated that they felt officers qualified often enough with sidearms and received enough training. Those who indicated officers did not receive enough training cited budget and constraints and training officer availability as main reasons.

The issue of deadly force requires further study in a much broader manner because there are other areas of inquiry which should be considered in evaluating the deadly force issue. Some of these include:

1. Psychological effect of the deadly force decision upon officers.

2. The affect of deadly force upon the community's perception of police.

3. The development of sound decision making abilities in officers who will be charged with the responsibility of exercising deadly force.

This report provides but a small slice of the whole, and any conclusions drawn should be tempered by consideration of the limited by the complexities of policing.

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Deadly force is generally considered to be that force which the actor knows or should know, creates a substantial likelihood of death or great bodily harm to the person upon whom it is inflicted. In Minnesota, the use of deadly force by peace officers is addressed under Minn. Stat. § 609.066. This statute provides that a peace officer may use deadly force only under the following conditions:

1. To protect the peace officer or another from death or great bodily harm.

2. To prevent the escape or effect the capture of one whom the peace officer knows or has reason to believe has committed or attempted to commit a felony involving use of deadly force.

3. To effect the arrest or capture or prevent the escape of a person whom the officer has reason to know has committed or attempted to commit a felony and the officer believes that the person will cause death or great bodily harm if apprehension is delayed.

The research indicates that the framing of such a statute, in deference to the police decision making process, is necessarily broad. However, the research further suggests that this broadness can be problematic in terms of interpretation and application of the statute in the practice of law enforcement. It seems the statute provides wide parameters for employing the use of deadly force, but offers little insight as to the practical application of deadly force within real life situations.

The research suggests that use of force is best viewed as a

continuum, which may escalate, depending on the circumstances. Therefore; in order for peace officers to arrive at a use of force decision, they must analyze the totality of circumstances and conditions.

Any attempt at evaluating the police use of deadly force must not loose sight of the fact that the police work in a fluid and unstable environment, in which hard and fast rules are difficult to apply. Nevertheless, the research suggests that legislative or policy directives which encourage and explain reasonable use of force and its application, have had a profound affect on the way in which the police address their responsibilities in this area.

The research clearly suggests that the responsibility for defining and clarifying state deadly force statutes falls to the chief administrator of the law enforcement agency. According to the research, it is the moral and ethical responsibility of the chief administrator to provide officers with direction as to how the deadly force statute will be applied in the individual community. The research indicates that the regulation of deadly force at the local level is best accomplished by the implementation and execution of written policies and procedures. Furthermore, the research indicates that the purpose of written policy and procedure regarding deadly force is to channel and direct officers discretion, and not to limit or inhibit such discretion. Furthermore, the research indicates that written policies tend to be more effective in establishing and communicating agency philosophy than oral policies. Nevertheless, the research indicates there is no need for over-regulation by policy; rather, policy should be developed and implemented mainly in areas of critical importance, such as deadly force.

Support is given for the idea of controlling deadly force use by policies and procedures. Studies cited showed a trend toward proper use of police force following implementation of written policy and procedures. Furthermore, research tends to show that the implementation of deadly force policies and procedures has not, generally, resulted in increased risk to police officers. In addition, the research suggests that policy and procedures may be more effective than state statute in controlling the use of deadly force. The research also suggests that use of deadly force by police tends to correspond to community crime rates: Increase in crime results in an increase in use of deadly force situations. The research suggests, that police administrators can effectively manage police use of deadly force by developing and implementing policies and procedures which serve to define and localize state deadly force statutes. Deadly force policy and procedure implementation tend to reduce use of deadly force by police without subjecting police to greater danger from armed suspects.

The delivery of education pertaining to the issues surrounding deadly force should be examined. Research suggests that the most

appropriate model to follow is an integrated curriculum approach of delivery. This will provide the officer with an ongoing interpretation of the issues pertaining to deadly force and a constant application of these principles.

POST Board developed and administered a survey using a written questionnaire that addressed about deadly force and related issues. The questionnaire was mailed to the chief law enforcement officers of each of the 544 law enforcement agencies in Minnesota. The questionnaire contained 74 questions regarding use of deadly force, deadly force policy and procedure, firearms policy, weapon discharge history, and perceptions as to the adequacy of deadly force and firearms in Minnesota. The questionnaire was distributed by mail and responses were returned by mail. Of the 544 questionnaires mailed, 334 were returned, for a response rate of 61.3%.

In general, a majority of Minnesota law enforcement agencies indicated in the study they had written policies regarding the use of deadly force by officers. However, 80% of the agencies that responded indicated they had written policies or said their policies were the same as, or as similar to, the Minnesota Statute on deadly force. As the literature review indicated, a major purpose of deadly force policy and procedure at the local level is to define and localize deadly force decisions, as well as to direct officers as to the application of deadly force. However, in agencies where the deadly force policy simply reflects the state statute, this goal is not accomplished. Of some concern is the additional fact that two agencies (1% of respondents) indicated that their deadly force policy was less restrictive than state law. Clearly, the use of deadly force by a more liberal standard than the state statute is illegal. Research indicates that reviews of deadly force incidents can reduce the number of deadly force incidents. Furthermore, critique of critical incidents such as deadly force can serve as an excellent training resource. Seventy-six per cent of the agencies surveyed indicated that they did have a policy which required review of incidents involving discharge of firearms by officers.

Respondents were also asked how often their deadly force policy was reviewed by officers. Research indicates that periodic review and training in an agency's policy and procedures is necessary to keep officers current and to address emerging issues. Fifty-three per cent of respondents indicated that their directive is reviewed at least once a year by officers.

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policies, procedures and customs regarding deadly force. According to the survey, 80% of agencies require new officers to qualify with a sidearm prior to starting with the agency.

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